

**ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020**  
**COMMITTEE STATEMENT**  
**LB1188**

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**Hearing Date:** Thursday February 06, 2020  
**Committee On:** Health and Human Services  
**Introducer:** Howard  
**One Liner:** Provide duties for the Office of Juvenile Services relating to education and change the definition of interim program school

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**  
Senator Sara Howard  
Matt Blomstedt

**Representing:**  
Introducer  
Nebraska Department of Education

**Opponents:**

**Representing:**

**Neutral:**  
Mark LaBouchardiere

**Representing:**  
Department of Health and Human Services

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**Summary of purpose and/or changes:**

LB 1188 amends the Health and Human Services, Office of Juvenile Services Act.

Section 2(1) requires the Office of Juvenile Services to establish the position of superintendent of schools to administer the education programs at the Youth Rehabilitation and Treatment Centers in Geneva and Kearney by August 1, 2020. The superintendent hired must meet the qualifications under Neb. Rev. Stat. 79-801 which requires a superintendent to hold a Nebraska certificate to administer. (Sec. 2(1), p. 2, lines 6-14.)

Section 2(2) requires that the education services offered to the juveniles committed to the Office of Juvenile Services must be provided through a school or program that meets the requirements for an interim-program school, an approved school, or an accredited school. (P. 2, lines 16-19.)

The definition of interim-program school in Neb. Rev. Stat. 79-1119.01 is amended in section 3 to include a youth rehabilitation and treatment center. (P.2, lines 25-26.)

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**Explanation of amendments:**

AM 2736 amends LB 1188 and incorporates LB 1147 and LB 1149.

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## LB 1188 - Amendments

The provisions of LB 1188 are found in section 15 and 16 of AM 2736. AM 2736 amends LB 1188 to require a superintendent of institutional schools to administer the education programs not just at the Youth Rehabilitation and Treatment Centers but at all institutions under the supervision of the Department of Health and Human Services (DHHS) that house juveniles. (AM 2736, sec. 15, p. 18, lines 21-26.)

AM 2736 also requires the superintendent of schools to report to the CEO of DHHS and to report annually to the State Board of Education as a requirement for accreditation pursuant to 79-703. (AM 2736, sec. 15, p. 18, lines 27-31 and p. 19, lines 1-3.)

Section 16 of AM 2736 amends Neb. Rev. Stat. 79-703 to include the provision that an annual report by the superintendent of state institutions under the supervision of DHHS that house juveniles is a part of the accreditation process. (AM 2736, sec. 16, lines 21-25.)

AM 2736 removes the provisions regarding interim-program schools.

## LB 1147 - Provide duties for the Department of Health and Human Services regarding the Youth Rehabilitation and Treatment Centers

The provisions of LB 1147, as amended, are included in sections 13 and 14 of AM 2736.

Under section 13, DHHS is responsible for the administration of any building where a juvenile committed for placement at a YRTC resides, including all daily maintenance, minor repairs, custodial duties, and operations of such properties. (AM 2736, p. 18, lines 7-12.)

Section 14 details the responsibility of the Department of Administrative Services regarding those same YRTC facilities, including the structural integrity of the buildings, major repairs, capital improvements, the necessary procurement of contractors and materials to carry out such responsibilities, and any other facility maintenance functions which are not the responsibility of DHHS under section 13. (AM 2736, p. 18, lines 13-20.)

Motion to include LB 1147, as amended, into the committee amendment AM 2736.

Vote: 7-0-0-0

Voting Aye: Senators Arch, Cavanaugh, B. Hansen, Howard, Murman, Walz, Williams

Voting Nay: None

Absent: None

Present Not Voting: None

## Public Hearing (February 6, 2020) testifiers

Proponents:

Senator Tony Vargas - Introducer

Opponents:

Mark LaBouchardiere - Department of Health and Human Services

Neutral: None

## LB 1149 - Change provisions related to the Office of Juvenile Services

The provisions of LB 1149, as amended, are found in sections 1 through 12 and sections 17-19 of AM 2736. These provisions amend the Health and Human Services, Office of Juvenile Services Act to add new requirements and remove obsolete language.

## Requiring evidence-based tools, programs, and services

In several provisions, AM 2736 inserts new language to require the Office of Juvenile Services (OJS) to utilize "evidence-based" and "validated" tools, programs, and services.

In section 5, 43-406 is amended to require OJS to utilize an "evidence-based and validated" risk and needs assessment to create an "individualized treatment plan" for youth committed to OJS. (Sec. 5(1), p. 4, lines 11-13.)

In section 6, Section 43-407 is amended to: (1) require that the programs and treatment services OJS provides at the YRTC be evidence-based and that the evaluation of the individual or family should be done with "evidence-based, validated risk and needs assessments to create an individualized treatment plan" (Sec. 6, p. 7, lines 4-12); (2) clarify that OJS may only transition a juvenile to inpatient or subacute residential treatment if the residential facility "is licensed as a treatment facility" (Sec. 6, p. 7, line 21); and (3) require OJS to provide evidence-based services and utilize evidence-based policies, practices, and procedures in the operation of the YRTCs. (Sec. 6(2), p. 8, lines 28-31.) The reporting requirement in that same section is amended to add that OJS shall include in its annual report an update on the evidence-based services, policies, practices, and procedures by which the YRTCs operate and the efforts OJS has taken to "ensure fidelity to evidence-based models." (Sec. 6(2), p. 9, lines 1-9.)

## DHHS Use of Private Facilities

Section 18 of AM 2736 strikes subsection (1) of 83-108.04 and amends subsection (2) which relates to DHHS's ability to use other public facilities or contract for the use of private facilities for the care and treatment of children. The language is amended to apply this section to children in DHHS's legal custody under 43-247(3)(a). (AM 2736, sec. 18, p. 21, lines 13-14.)

## Other changes

Section 12 of AM 2736 adds new language that states a juvenile's in-person visitation, phone calls and electronic communication with relatives cannot be limited or prohibited as a consequence or sanction. (P. 18, lines 2-6.)

Section 19 amends 83-113 to add the Health and Human Services Committee as a recipient of DHHS's report regarding the investigation into the fitness, abuses or wrongs alleged to exist in an institution run by DHHS. (P. 21, lines 24-26.)

## Removing Obsolete Provisions

AM 2663 and the provisions of LB 1149 also amend or strike many sections of statute in the Act that are outdated or obsolete. Those sections are:

- section 2 which amends 43-403(1) - (3), and strikes sections (5)-(6);
- section 3 which strikes 43-404(1) and part of (2)
- section 4 which amends 43-405 (4)-(6), (8), and strikes (9)-(10)
- section 5 which strikes 43-406 sections (4) and (5)
- section 6 which strikes 43-407(1) and part of (2)
- section 7 which strikes 43-408(1) and part of (2)
- section 8 which strikes 43-410(1) and part of (2)
- section 9 which strikes 43-417(1) and part of (2)
- section 10 which strikes 43-420(1) and part of (2)
- section 11 which amends 43-425(1)

Motion to include LB 1149, as amended, into the committee amendment AM 2736:

Vote: 7-0-0-0

Voting Aye: Senators Arch, Cavanaugh, B. Hansen, Howard, Murman, Walz, Williams

Voting Nay: None

Absent: None

Present Not Voting: None

Public Hearing (February 6, 2020) testifiers

Proponents:

Senator Tony Vargas - Introducer

Julient Summers - Voices for Children in Nebraska

Opponents:

Mark LaBouchardiere - Department of Health and Human Services

Neutral:

Julie Rogers - Ombudsman/Office of Public Council

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Sara Howard, Chairperson